Page 1 of 2

#### **EXECUTIVE SUMMARY - ENFORCEMENT MATTER** .

**DOCKET NO.**: 2007-0195-MWD-E TCEQ ID: RN101920924 CASE NO.: 32606

RESPONDENT NAME: City of Eden

ODDAD WARE				
ORDER TYPE:				
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING		
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER		
_AMENDED ORDER	_EMERGENCY ORDER			
CASE TYPE:				
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE		
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION		
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL		
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION		
TYPE OF OPERATION: Municipal wastewater  SMALL BUSINESS:YesXNo  OTHER SIGNIFICANT MATTERS: No comp facility location.  INTERESTED PARTIES: No one other than the COMMENTS RECEIVED: The Texas Register  CONTACTS AND MAILING LIST:	laints were received. There is no record of addition e ED and the Respondent has expressed an interest i comment period expired on June 18, 2007. No con one . Lynley Doyen, Enforcement Division, Enforcemen	al pending enforcement actions regarding this in this matter.  Interpretation of the second of the s		

## RESPONDENT NAME: City of Eden DOCKET NO.: 2007-0195-MWD-E

#### **VIOLATION SUMMARY CHART:**

#### VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$8,544 **Corrective Actions Taken:** Complaint 1) The Executive Director recognizes that on Routine Total Deferred: \$1,708 Enforcement Follow-up February 12, 2007, the City submitted the X Expedited Settlement X Records Review annual sludge report for the monitoring period ending July 31, 2006 and a complete DMR for \_\_Financial Inability to Pay June 2006. Date of Complaint Relating to this Case: None SEP Conditional Offset: \$0 **Ordering Provisions:** Date of Investigation Relating to this Case: Total Paid to General Revenue: \$6,836 2) It is further ordered that within 180 days after December 29, 2006 the effective date of this Agreed Order, the City Site Compliance History Classification shall submit written certification of compliance Date of NOE Relating to this Case: January \_\_ High \_X Average \_\_ Poor 31, 2007 (NOE) with the permitted effluent limitations of TPDES Permit No. WQ0010081001. **Person Compliance History Classification** Background Facts: This was a routine record High X Average Poor review. Three violations were documented. Major Source: Yes X No WATER Applicable Penalty Policy: September 2002 1) Failed to comp7ly with the permitted effluent limitations [Tex. Water Code § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010081001, Final **Effluent Limitations and Monitoring** Requirements No.1]. 2) Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006. Specifically, the City submitted the annual sludge report on February 12, 2007 [30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010081001, Sludge Provisions]. 3) Failed to report the value for maximum single grab concentration for ammonia nitrogen on the Discharge Monitoring Report ("DMR") for the monitoring period ending June 30, 2006 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010081001, Monitoring and Reporting Requirements No. 1].

#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision December 8, 2006 Assigned 5-Feb-2007 PCW 16-Mar-2007 Screening 9-Feb-2007 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Eden Reg. Ent. Ref. No. RN101920924 Facility/Site Region 8-San Angelo Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 32606 No. of Violations 3 Docket No. 2007-0195-MWD-E Order Type 1660 Media Program(s) Water Quality Enf. Coordinator Lynley Doyen Multi-Media EC's Team EnforcementTeam 1 Admin. Penalty \$ Limit Minimum Maximum **Penalty Calculation Section** TOTAL BASE PENALTY (Sum of violation base penalties) \$3,200 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage Compliance History Subtotals 2, 3, & 7 \$5,920 The penalty is enhanced because the Respondent self-reported 28 months of effluent violations, received five NOVs with violations same Notes or similar to those cited in this action, and received one agreed enforcement order containing a denial of liability. Culpability Subtotal 4 \$0 No 0% Enhancement Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Subtotal 5 \$0 0% Reduction NOV to EDPRP/Settlement Offer Before NOV Extraordinary Ordinar (mark with x) The Respondent does not meet the good faith criteria. Notes Subtotal 6 \$0 0% Enhancement\* Total EB Amounts \$3.038 \*Capped at the Total EB \$ Amount Approx. Cost of Compliance \$20,125 SUM OF SUBTOTALS 1-7 Final Subtotal \$9,120 OTHER FACTORS AS JUSTICE MAY REQUIRE -6% -\$576 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%) Recommend reduction in the penalty so that monthly self-reported

effluent violations do not overly-impact the penalty amount and to

prevent double-enhancement for same violations that were self-reported.

Deferral offered for expedited settlement.

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

20%

\$8,544

\$8,544

-\$1,708

\$6,836

Notes

Notes

**PAYABLE PENALTY** 

**DEFERRAL** 

STATUTORY LIMIT ADJUSTMENT

#### Docket No. 2007-0195-MWD-E

PCW

Respondent City of Eden

Case ID No. 32606

Reg. Ent. Reference No. RN101920924

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Policy Revision 2 (September 2002) PCW Revision December 8, 2006

**Compliance History Worksheet** 

Comp	liance History	Compliance History Worksheet  Site Enhancement (Subtotal 2)		(F): 1-(1):024.	10. 10.
	Component		Enter Number Here	Adjust.	d d
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	33	165%	SEAT
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		20%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1.1.1(0.1.14.)	· 0%	, <b>8</b> 45 s
1,7	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%	(qui la c
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	7 0	0%	
. 5	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	. 0	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0.34	0%	
		Plea	se Enter Yes or No		•
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	'No	0%	
	Other	Participation in a voluntary pollution reduction program	No .	0%	i
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment F	Percentage (Si	ıbtotal 2)	1859
Rереа	t Violator (Su	btotal 3)	All and the second	7 × 47;	141373
	No	Adjustment F	Percentage (Si	ıbtotal 3)	0%
					Managarian and American
omp	nance History	Person Classification (Subtotal 7)		- 15 - E14 - E45 -	2000000
	Average P	The control of the co	Percentage (Si	ıbtotal 7)	0%
Comp	liance History	Summary Statement of the statement of th			
	Compliance History Notes	The penalty is enhanced because the Respondent self-reported 28 months of effluent violations same or similar to those cited in this action, and received one agreorder containing a denial of liability.	francisco de la companya de la contractiona de la contraction de l	e gogethe i t	
		The state of the s	gamen diparticular particular description de la constitución de la con	1 *** * * * * * * * * * * * * * * * * *	and a single

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Screening Date	9-Feb-2007		Docket No. 2	2007-0195-MWD-E		PCW
Responden	•				Policy Revisio	n 2 (September 2002)
Case ID No					PCW Revis	ion December 8, 2006
Reg. Ent. Reference No						
Media [Statute						
Enf. Coordinato						000000000000000000000000000000000000000
Violation Numbe		d- 0.00 404(-) 20 Tox	Admin Code C	205 425(4) and Taylor	Dallutant I	
Rule Cite(s	) Discharge Eli	de § 26.121(a), 30 Tex. mination System ("TPDI Limitations and Mo	ES") Permit No.	305.125(1), and Texas WQ0010081001, Final ements No. 1	Effluent	
Violation Description	Failed to co		effluent limitatio	ons, as shown in the atta	ached	
				Base	Penalty	\$10,000
>> Environmental, Property	and Human F	lealth Matrix				
	7	Harm	**************************************			and
Releas		Moderate Minor	<del></del>			***************************************
OR Actual		X		Percent 10%		
Potentia	11 <u>                                    </u>			Percent 10%		
>>Programmatic Matrix						
Falsification	n Major	Moderate Minor		·		
				Percent 0%		
Matrix amounts of Notes these disc	pollutants excee harges, human h	ded levels protective of nealth or the environmer	human health o it has been expo	ermine whether the disc r the environment. As a osed to insignificant amo n or environmental rece	result of ounts of	
	E 20 10		A	djustment	\$9,000	
				1		
					<u> </u>	\$1,000
Violation Events						
Number of \	iolation Events	3	212	Number of violation day	/S	
mark only one with an x	daily monthly quarterly semiannual annual single event	X		Violation Bas	e Penalty	\$3,000
,		Three quarterly events	are recommend	ded.		
Economic Benefit (EB) for t	his violation			Statutory Limit Te	st	
Estimat	ed EB Amount	\$3,0	034	Violation Final Pen	alty Total	\$8,010
				sed Penalty (adjusted	-	\$8,010
	表现 维止。	18 E E E E E E E E E E E	延 基 选 3		B B De	

Reg. Ent. Reference No. RN101920924   Modia Water Quality   Violation No. 1   Percent Interest   Percent I	Respondent Case ID No.	City of Eden 32606				A COLOR OF THE PARTY OF THE PAR	The second secon	Secure And Control of the Control of
Item Cost							CALL TEND TO HE	14. P. 13 . T. C.
Item Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Amount						series y	Percent Interest	Years of Depreciation
Delayed Costs			151115				Annual Control of the	. 15
Delayed Costs   Equipment	Transport to the second of the	Are as a contract of the second	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment Buildings	Item Description	No commas or \$		ili je ra				
Equipment Buildings	Delayed Costs	annaine (ci				L. Bank		24.5
Other (as needed)   Engineering/construction   \$20,000   31-Oct-2005   31-Dec-2007   2,2   \$1444   \$2,889   \$3,034					0.0	\$0	\$0	\$0
\$20,000   31-Oct-2005   31-Dec-2007   2.2   \$144   \$2,889   \$3,034						\$0	\$0	
Land				1.792351				
Record Keeping System		\$20,000	31-Oct-2005	31-Dec-2007_				
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Capable Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  Other (as needed)  Notes for AVOIDED costs  Other (as needed)		The second second	7195158884 - (CGT)	11 ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (				
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Estimated engineering and construction costs to expand the Facility. Date Required is the first month of noncompliance. Final Date is the expected date of compliance.  AVOIDED COSTS  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  Personnel Personnel Disposal Personnel Disposal Personnel Disposal Dis			11 10 10 10 10 10 10 10 10 10 10 10 10 1	The state of the s				
Permit Costs Other (as needed)  Notes for DELAYED costs  Estimated engineering and construction costs to expand the Facility. Date Required is the first month of noncompliance. Final Date is the expected date of compliance.  AVOICE GOSTS  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel  Inspection/Reporting/Sampling Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs			274,000,000,000,000,000,000,000,000,000,0	\$2.000 \$1000 \$100 \$100 \$100 \$100 \$100 \$100				
Other (as needed)  Notes for DELAYED costs  Estimated engineering and construction costs to expand the Facility. Date Required is the first month of noncompliance. Final Date is the expected date of compliance.  Avoided Costs  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs			**************************************	223 Annual Maria (1997)				
Estimated engineering and construction costs to expand the Facility. Date Required is the first month of noncompliance. Final Date is the expected date of compliance.    Avoided Costs			- Company Comp	WAS TRANSPORTED TO THE PARTY OF				
Disposal   Personnel   0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Notes for DELAYED costs	Estimated			o expan	d the Facility. Da	te Required is the fir	
Personnel			noncomp	llance. Final Date	o expan	d the Facility. Da expected date of c	te Required is the fire	st month of
Inspection/Reporting/Sampling   0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Avoided Costs		noncomp	llance. Final Date	o expan e is the o	d the Facility. Da expected date of c	te Required is the fir compliance, one-time avoided o	st month of
Supplies/equipment	_Avoided Costs Disposal		noncomp	llance. Final Date	o expan e is the o ntering	d the Facility. Da expected date of c item (except for	te Required is the fir compliance. one-time avoided o	st month of costs)
Financial Assurance   2	_Avoided Costs Disposal Personnel		noncomp	llance. Final Date	o expaned is the control of the cont	d the Facility. Da expected date of c item (except for \$0 \$0	te Required is the firempliance.  one-time avoided of \$100 to	st month of  costs) \$0 \$0
Other (as needed)  Notes for AVOIDED costs  Other (as needed)	Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling		noncomp	llance. Final Date	o expaned is the content of the cont	d the Facility. Da expected date of c item (except for \$0 \$0	te Required is the firement of	st month of
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Approx. Cost of Compliance \$20,000 TOTAL \$3,03.	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		noncomp	llance. Final Date	o expan e is the e ntering 0.0 0.0 0.0 0.0 0.0	d the Facility. Da expected date of or item (except for \$0 \$0 \$0 \$0 \$0	te Required is the firempliance.  one-time avoided of the firempliance is so that the firempliance is so the firemplance is so that the firempliance is t	st month of
Approx. Cost of Compliance \$20,000 TOTAL \$3,03.	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		noncomp	llance. Final Date	o expan e is the e ntering 0.0 0.0 0.0 0.0 0.0	d the Facility. Da expected date of or item (except for \$0 \$0 \$0 \$0 \$0 \$0	te Required is the firempliance.  one-time avoided of the firempliance is so that the firempliance is so the firemplance is so that the firempliance is t	st month of
Approx. Cost of Compliance \$20,000 TOTAL \$3,03.	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		noncomp	llance. Final Date	o expan e is the e ntering 0.0 0.0 0.0 0.0 0.0	d the Facility. Da expected date of or item (except for \$0 \$0 \$0 \$0 \$0 \$0	te Required is the firempliance.  one-time avoided of the firempliance is so that the firempliance is so the firemplance is so that the firempliance is t	st month of
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and the control of t	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		noncomp	llance. Final Date	o expan e is the e ntering 0.0 0.0 0.0 0.0 0.0	d the Facility. Da expected date of of litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	te Required is the firempliance.  one-time avoided of the firempliance is so that the firempliance is so the firemplance is so that the firempliance is t	st month of  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Screening Date	9-Feb-2007	Docket	<b>No.</b> 2007-0195-MWD-E	PCW
Respondent	-		Policy	Revision 2 (September 2002)
Case ID No.			PC	W Revision December 8, 2006
Reg. Ent. Reference No.				general vertex of
Media [Statute]				
Enf. Coordinator	Lynley Doyen			
Violation Number	2			_
Rule Cite(s)	30 Tex. Admin. Code §	305.125(17) and TPDES Provisions	S Permit No. WQ0010081001, Sludge	n control of the cont
Violation Description	Failed to timely submit the 2006. Specifically, the	ne annual sludge report f City submitted the annua	or the monitoring period ending July 3 al sludge report on February 12, 2007	
			Base Penal	ty \$10,000
>> Environmental, Property a	and Human Health M	latriy	public and the second second	ψ10,000
22 Environmental, 1 Toperty a	Harm	luulia		***
Release OR Actual Potential		e Minor	Percent 0%	
1 otomai			. Greent	1000
>>Programmatic Matrix			A.	
Falsification	Major Moderate	e Minor		***************************************
		X	Percent 1%	orano calabiro (
Matrix Notes	At least 70	% of the permit requirem	ent was met.	
			Adjustment \$9,9	00
				\$100
Violation Events				
Number of Vio	olation Events 1	16	Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base Pena	lty \$100
	One	single event is recomme	ended.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$3	Violation Final Penalty To	tal \$267
		This violation Final	Assessed Penalty (adjusted for lim	ts) \$267

		conomic	Benefit W	orks	sheet	la di canana di cana	
Respondent Case ID No.					£ *	Line of Argine	try ti
Reg. Ent. Reference No.						who but is a	elektriser in
	Water Quality						Years of
Violation No.					in in the second	Percent Interest	Depreciatio
		HERNES.	My Paga	75	14 信 图 14	5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description	No commas or \$	A Lethin.	mil 2.3				
Delayed Costs					2 5 4 6	The second	
Equipment		ARTER TO THE SECOND STATE OF THE SECOND STATE		0.0	\$0	\$0	\$0
Buildings	1.4	in the land of the contract of	A Salar Master Such	.0,0	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2006	12-Feb-2007	0.4	\$0	\$3	\$3617
Engineering/construction			124 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	0.0	\$0	∜ \$0	\$0
Land	in in the second			0,0	\$0	n/a	\$0
Record Keeping System	7 7 7			0,0	\$0	in/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal			33. st 200 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 - 300 -	0.0	\$0	- n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	A CONTRACTOR OF COMMENTS AND A CONTRACTOR OF CONTRACTOR OF COMMENTS AND A CONTRACTOR OF CONTRACTOR			0,0	\$0	n/a	\$0
Notes for DELAVED ands	Estimated co					ed is the date the r	eport was due
Notes for DELAYED costs  AVOIDED Costs Disposal Personnel	And and one of the second	UALIZE [1] avoid	Final Date is the d	ntering	item (except for \$0 \$0	ed. presided of the second of	costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	UALIZE [1] avoid	Final Date is the d	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoid	Final Date is the d	ntering 0.0 0.0 0.0 0.0	item (except for 1 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided (	\$0 \$0 \$0 \$0 \$0
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoid	Final Date is the d	ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for second	ed.  *** ********************************	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoid	Final Date is the d	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ed.	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoid	Final Date is the d	ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for second	ed.  *** ********************************	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoid	Final Date is the d	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ed.	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoid	Final Date is the d	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	eport was submitted  item (except for - \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ed.	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoid	Final Date is the d	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	eport was submitted  item (except for - \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ed.	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screening Date	9-Feb-2007	<b>Docket No.</b> 2007-0195-MWD-E	PCW
Respondent	City of Eden	Pi	olicy Revision 2 (September 2002)
Case ID No.			PCW Revision December 8, 2006
Reg. Ent. Reference No.			d year was a second of the sec
Media [Statute]			
Enf. Coordinator			
Violation Number		L 0 005 405/47) LTDDE0 D'' N W00040004004 M''	
Rule Cite(s	30 Tex. Admin. C	ode § 305.125(17) and TPDES Permit No. WQ0010081001, Monit and Reporting Requirements No. 1	oring
Violation Description		he value for maximum single grab concentration for ammonia nitro e monitoring report ("DMR") for the monitoring period ending June 2006.	
		Base Pe	nalty \$10,000
>> Environmental, Property	and Human He	alth Matrix	
7 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		Harm	
Release OR Actua Potentia	ı <u>C </u>	oderate Minor Percent 0%	equipment of the second of the
	,		
>>Programmatic Matrix Falsification	Major M	oderate Minor	
raisilication	I Wajor W	x Percent 1%	
Matrix Notes	At le	east 70% of the permit requirement was met.	
	2 2 2	Adjustment \$	9,900
			\$100
Violation Events			
Violation Events			\$250mm
Number of V	iolation Events	1 207 Number of violation days	
vocates and the second	daily		
mark only one with an x	monthly quarterly semiannual	Violation Base Pe	enalty \$100
A CONTRACTOR OF THE CONTRACTOR	annual single event	X	
		One single event is recommended.	
Economic Benefit (EB) for t	his violation	Statutory Limit Test	
Estimate	ed EB Amount	\$1 Violation Final Penalty	Total \$267
			imits) \$267
	1 1 1 1	This violation Final Assessed Penalty (adjusted for I	mms) \$267

Respondent Case ID No. Reg. Ent. Reference No.	32606	and Approximation and an analysis of the second analysis of the second and an analysis of the second analysis of the second and an analysis of the second and an analysis of the second an	664 : : : : : : : : : : : : : : : : : :		74.2	· · · · · · · · · · · · · · · · · · ·	Mining out and the Control of the Co
Reg. Ent. Reference No.							
Modia					1 1/3/11		
	Water Quality				in the second	Percent Interest	Years of
Violation No.	3				4,555	i crociii interest	Depreciation
		100000				5.0	15
44.65	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				1 <b>23</b>		5195
Delayed Costs_							
Equipment	44 / 14 / 15 / 15 / 15 / 15 / 15 / 15 /		The state of the s	0,0	, \$0	\$0	\$0
Buildings	3 24-21-91-12-11-1		i-Carlleladorent Car	0,0	\$0	∷ \$0	\$0
Other (as needed)	\$25	20-Jul-2006	12-Feb-2007	0.6	\$0 (3)	\$1	\$12.0
Engineering/construction				0,0	\$0	\$0	\$0
Land			erienia populario de la composito de la compos	0.0	\$0	- n/a	\$0
Record Keeping System				0.0	\$0	ii.n/a	\$0
Training/Sampling				0.0	\$0	- + i n/a	\$0
Remediation/Disposal				0.0	\$0	n/a n/a	\$0
Other (as needed)			Land State Control of the Control of	0.0	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs			is the date a com	plete Di	MR was submitted	incoded :	
Avoided Costs		UALIZE [1] avoide	d costs before e			one-time avoided o	CONTRACTOR OF THE PARTY OF THE
Disposal	144-7411		A CONTRACT OF THE PARTY OF THE	0,0	\$0	11: \$0,	\$0
Personnel				0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/equipment	411 - 414 - 444	The second secon	2.00	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]	Carrier Control (2016) And The William Control (2016)			0.0	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]	and the second distance that		Angel Care Co. L. Millard, C. C.	0.0	\$0	\$0 \$0	\$0
Other (as needed)	1 2424 4 2 3			0.0	\$0	\$0 \$0	\$0
Other (as needed)	personal designation of the second	12:00:00:00:00:00:00:00:00:00:00:00:00:00		<u> </u>		3.3233.300	Φυ
				esperatur.			
Notes for AVOIDED costs							Witels
				1.44.07			
ll ll				<u></u>			
Approx. Cost of Compliance	***	\$25			TOTAL		. \$1

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# EFFLUENT VIOLATION TABLE City of Eden

# TPDES Permit No. WQ001008001 Docket No. 2007-0195-MWD-E

Months	NH3-N daily avg. loading	NH3-N daily avg. conc.	NH3-N max. single grab	CBOD daily avg. conc.
	Limit = 13 lbs/day	Limit = 7 mg/L	Limit = 15 mg/L	Limit = 30 mg/L
				1.
10/31/2005	С	8.9	С	С
11/30/2005	18.6	12.0	С	С
12/31/2005	36.1	18.2	19.7	С
1/31/2006	27	18	22	c
2/28/2006	13.2	9.20	c	37
2,25,2000				
3/31/2006	c	С	С	32
9/30/2006	16.23	7.58	С	Ċ

avg. = average

c = compliant

CBOD = carbonaceous biochemical

oxygen demand

conc. = concentration

lbs/day = pounds per day max. = maximum

mg/L milligrams per liter

NH3-N = ammonia nitrogen

#### **Compliance History**

Classification: AVERAGE

Classification: AVERAGE

Rating: 2.89

WQ0010081001

TPDES0079804 TX0079804

WQ0010081001

Rating Date: 9/1/2006

Repeat Violator: NO

Site Rating: 2.77

Customer/Respondent/Owner-Operator: CN600738595 City Of Eden Regulated Entity: RN101920924 CITY OF EDEN **PERMIT** ID Number(s): WASTEWATER WASTEWATER **PERMIT** WASTEWATER PERMIT WASTEWATER LICENSING LICENSE LOCATED APPRX 2/3 M E OF US HWY 83, 2/3 M S OF US HWY 87, AND IMMEDIATELY N Location: OF HARDEN BRANCH, EDEN, CONCHO CO, TX TCEQ Region: **REGION 08 - SAN ANGELO** February 07, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement February 07, 2002 to February 07, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Phone: 512-239-1364 Name: Lynley Doyen Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Effective Date: 08/29/2003 ADMINORDER 2002-1166-MWD-E Classification: Moderate TWC Chapter 26 26.121 Rqmt Prov: Not specified PERMIT Description: Failure to comply with the permit limit for Total Ammonia Nitrogen (mg/l), flow, TSS, and BOD5 at Outfall 001A. Any criminal convictions of the state of Texas and the federal government. В. N/A Chronic excessive emissions events C. N/A

The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/17/2003 (315398) 2 12/15/2004 (386560) 3 08/14/2003 (315399) 4 01/12/2005 (386561) 5 09/25/2003 (315400) 6 11/03/2003 (315401) 7 11/21/2003 (315402) 8 12/17/2003 (315403) 9 01/20/2004 (315404) 10 02/10/2006 (476294) 11 03/13/2006 (476295) 12 11/30/2006 (515597) 13 10/24/2005 (476296) 14 02/13/2004 (257210) 15 11/10/2005 (476297) 16 02/22/2005 (349355) 17 12/19/2005 (476298) 18 02/14/2002 (205442) 19 01/20/2006 (476299) 20 03/03/2003 (205443) 21 03/13/2002 (205445) 22 03/17/2003 (205446) 23 04/19/2002 (205448) 24 09/26/2006 (514017) 25 07/20/2005 (445165) 26 05/16/2002 (205451)

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1865 B. 1866 , which is the second of the  $\mathbf{r}_{i}$  and  $\mathbf{r}_{i}$  . The second of the  $\mathbf{r}_{i}$  $= \{ \{ (x,y) \in B \mid \forall x \in \mathbb{R}^n \mid x \in \mathbb{R}^n : x \in \mathbb{R}^$ the first of the control of the cont The state of the section of the second The property of the second sections 

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27 08/02/2005 (445166)
          28 09/29/2005 (445167)
29 01/16/2007 (536433)
          30 12/18/2002 (19410)
31 02/22/2005 (424394)
          32 07/12/2002 (205454)
33 05/13/2005 (424395)
           34 07/12/2002 (205456)
           35 08/16/2002 (205459)
           36 01/31/2007 (535512)
           37 05/20/2004 (360438)
           38 09/23/2002 (205462)
           39 06/15/2004 (360439)
           40 08/19/2004 (360440)
           41 09/13/2004 (360441)
           42 10/12/2004 (360442)
           43 10/18/2002 (205465)
           44 11/18/2002 (205468)
           45 12/30/2002 (205471)
           46 02/03/2003 (205474)
           47 04/19/2006 (503410)
           48 05/11/2006 (503411)
           49 06/15/2006 (503412)
           50 06/10/2002 (IE0008475002001
           51 02/27/2006 (452822)
           52 02/20/2004 (315392)
           53 03/10/2004 (315393)
           54 07/06/2006 (525787)
           55 05/01/2003 (315394)
56 08/15/2006 (525788)
57 09/20/2006 (525789)
           58 04/15/2004 (315395)
           59 03/14/2005 (386558)
           60 05/20/2003 (315396)
           61 11/16/2004 (386559)
           62 06/23/2003 (315397)
           Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 05/31/2003 (315397)
            Self Report? YES
                                                                                               Classification: Moderate
                       30 TAC Chapter 305, SubChapter F 305.125(1)
           Citation:
                       TWC Chapter 26 26.121(a)[G]
            Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2004 (386559)
            Self Report? YES
                                                                                               Classification: Moderate
                       30 TAC Chapter 305, SubChapter F 305.125(1)
                       TWC Chapter 26 26.121(a)[G]
            Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2004 (386560)
                                                                                               Classification: Moderate
            Self Report? YES
                       30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
            Citation:
            Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2003 (315399)
                                                                                               Classification: Moderate
            Self Report? YES
                       30 TAC Chapter 305, SubChapter F 305.125(1)
                        TWC Chapter 26 26.121(a)[G]
            Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2004 (386561)
            Self Report? YES
                                                                                               Classification: Moderate
                       30 TAC Chapter 305, SubChapter F 305.125(1)
                        TWC Chapter 26 26.121(a)[G]
            Description: Failure to meet the limit for one or more permit parameter
Date: 02/27/2006 (452822)
                                                                                               Classification: Moderate
            Self Report? NO
                        30 TAC Chapter 305, SubChapter F 305.125(1)
                        Rqmt Prov: PERMIT PPII.1.
             Description: Failure to comply with permit limits for the parameter of flow.
```

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov: PERMIT PPII.1.

E.

Description: Failure to comply with permit limits for the parameters of five-day carbonaceous biochemical oxygen demand (CBOD5), and ammonia -nitrogen (NH3-N).

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 317 317.4(c)

Description: Failure to provide a means to monitor and record influent flow to the plant.

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT PPVIII.12

Description: Failure to submit the results of annual soil monitoring during September 2005.

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov: PERMIT PPIV.5

Citation:

Description: Failure to ensure the automatic flow meter is providing accurate results

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov: PERMIT PPIV.7.d

Description: Failure to submit the correct information in a discharge monitoring report (DMR)

Self Report? NO

Classification: Minor

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Minor

Classification: Minor

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Rgmt Prov: PERMIT PPIV.7.c

Description: Failure to submit noncompliance notifications when effluent noncompliances

deviate from the effluent limitation by at least 40%.

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT PPIV.1

Description: Failure to submit discharge monitoring report (DMR) forms for sludge.

Date: 12/08/2006 (533537)

Self Report? NO

Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121[G] 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT PPV.2.g.

Description: Failure to prevent an unauthorized discharge of sewage from the collection system

at a location not permitted as an outfall.

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A) Rqmt Prov: PERMIT PPIV.7

Description: Failure to notify the Region Office of an unauthorized discharge from the collection

Date: 01/31/2006 (476294)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (476295)

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (476297)

Self Report? YES Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (476298)

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (445165)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Citation:

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (476299)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Classification: Moderate

Classification: Moderate

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Date: 01/31/2003 (205443)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2002 (205445)

Citation:

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (445166)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Citation:

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (205446)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/22/2005 (349355)

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT PPII.1.

Description: Failure to comply with permit limits for the parameter of flow.

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov: PERMIT PPII.1.

Description: Failure to comply with permit limits for the parameters of five-day carbonaceous

biochemical oxygen demand (CBOD5), and ammonia -nitrogen (NH3-N).

Self Report? NO

30 TAC Chapter 319, SubChapter A 319.5(b) Citation:

Description: Failure to monitor dissolved oxygen (DO) at the required frequency.

Self Report? NO

30 TAC Chapter 319, SubChapter A 319.7(a)[G]

30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain a record of calibration for the dissolved oxygen meter.

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT PPVIII.11.

Description: Failure to provide equipment for the purpose of determining the application rates

of effluent applied as irrigation water.

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT PPVIII.11.

Description: Failure to maintain adequate records of the volume of effluent applied as irrigation

water.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov: PERMIT PPVIII.12.

Description: Failure to submit the result of soil sample analyses.

Self Report? NO

Citation:

30 TAC Chapter 317 317.6[G] Description: Failure to provide adequate housing and equipment for chlorine when using

chlorine gas to re-chlorinate effluent used for irrigation.

Self Report? NO

Classification: Moderate

30 TAC Chapter 317 317.4(c)

Description: Failure to provide a means to monitor and record influent flow to the plant.

Date: 02/13/2004 (257210)

Self Report? NO 30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

Rgmt Prov. PERMIT PPII.1. and 3. Description: Failure to comply with permit limits for five-day carbonaceous biochemical oxygen

demand (CBOD5), total suspended solids (TSS), and pH.

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Minor

Classification: Moderate

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Date: 03/31/2002 (205448)

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (424394)

Citation:

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (445167)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (424395)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (360438)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Citation:

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (515597)

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov: PERMIT PPII.1.

Description: Failure to comply with permit limits for the parameter of flow.

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

Ramt Prov: PERMIT PPII.1.

Description: Failure to comply with permit limits for the parameters of five-day carbonaceous

biochemical oxygen demand (CBOD5), and ammonia -nitrogen (NH3-N).

Self Report? NO

Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure to have an annual check done of the backflow prevention device and be

able to provide a copy of the report when requested.

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Description: Failure to complete and submit Discharge Monitoring Report (DMR) forms for

sludge production and use.

Self Report? NO

Citation: 30 TAC Chapter 317 317.3[G]
Description: Failure to install an audio alarm system (horn) on the lift stations at the wastewater

treatment plant.

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) Citation

Ramt Prov: PERMIT PPIV.3.a

Description: Failure to use accurate flow data that is representative of the monitored activity.

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT PPVIII.12

Description: Failure to conduct annual soil monitoring of the irrigation site.

Date: 03/31/2006 (503410)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (315392)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Citation:

Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Classification: Minor

Classification: Minor

Classification: Moderate

Classification: Moderate

Classification: Moderate

And Comment of the Co

All particular and the second of the second o

Date: 02/29/2004 (315393)

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (315394)

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2004 (315395)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (386558)

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (315396)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Citation:

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2006

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

N/A

Н. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

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### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN **ENFORCEMENT ACTION** CONCERNING CITY OF EDEN RN101920924

BEFORE THE

TEXAS COMMISSION ON

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**ENVIRONMENTAL QUALITY** 

#### AGREED ORDER **DOCKET NO. 2007-0195-MWD-E**

#### I. JURISDICTION AND STIPULATIONS

agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Eden ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a municipal wastewater treatment system located approximately twothirds of a mile east of United States Highway 83, two-thirds of a mile south of United States Highway 87, and immediately north of Harden Branch in Eden, Concho County, Texas (the "Facility").
- 2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26
- 3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 4. The City received notice of the violations alleged in Section II ("Allegations") on or about February 5, 2007.
- The occurrence of any violation is in dispute and the entry of this Agreed Order shall not 5. constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Eight Thousand Five Hundred Forty-Four Dollars (\$8,544) is assessed by the Commission in settlement of the violations alleged in Section II

.  ("Allegations"). The City has paid Six Thousand Eight Hundred Thirty-Six Dollars (\$6,836) of the administrative penalty and One Thousand Seven Hundred Eight Dollars (\$1,708) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that on February 12, 2007, the City submitted the annual sludge report for the monitoring period ending July 31, 2006 and a complete discharge monitoring report ("DMR") for June 2006.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010081001, Final Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on December 29, 2006 and shown in the following table:

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EFFLUENT VIOLATION TABLE					
Months	NH3-N daily avg. loading	NH3-N daily avg. conc.	NH3-N max. single grab	CBOD daily avg. conc.	· · · · · · · · · · · · · · · · · · ·
,	Limit = 13 lbs/day	Limit = 7 mg/L	Limit = 15 mg/L	Limit = 30 mg/L	
10/31/2005	С	8.9	C	c	
11/30/2005	18.6	12.0	c		
12/31/2005	36.1	18.2	19.7	с .	
1/31/2006	27	18	22	c	
2/28/2006	13.2	9.20	С	37	
3/31/2006	c	с	С	32	
9/30/2006	16.23	7.58	c	С	

avg. = average

c = compliant

CBOD = carbonaceous biochemical

oxygen demand

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L milligrams per liter

NH3-N = ammonia nitrogen

- 2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006, in violation of 30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010081001, Sludge Provisions, as documented during a record review conducted on December 29, 2006. Specifically, the City submitted the annual sludge report on February 12, 2007; and
- 3. Failed to report the value for maximum single grab concentration for ammonia nitrogen on the DMR for the monitoring period ending June 30, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010081001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on December 29, 2006.

#### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Eden, Docket No. 2007-0195-MWD-E" to:

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City of Eden DOCKET NO. 2007-0195-MWD-E Page 4

> Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. It is further ordered that within 180 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010081001. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager San Angelo Regional Office Texas Commission on Environmental Quality 622 South Oakes, Suite K San Angelo, Texas 76903-7013

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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#### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
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For the Executive Director	7/17/2007 Date
attached Agreed Order on behalf of the e	tand the attached Agreed Order. I am authorized to agree to the entity, if any, indicated below my signature, and I do agree to the I further acknowledge that the TCEQ, in accepting payment for on such representation.
failure to timely pay the penalty amount,	ance history; oplications submitted by me; rney General's Office for contempt, injunctive relief, additional r to a collection agency; enforcement actions against me; ey General's Office of any future enforcement actions against me;
Thurle Ladge A. Signature	April 10, 2007  Date
Charlie Rodgers, Jr.  Name (Printed or typed)  Authorized Representative of City of Eden	<u>Mayor</u> Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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